

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 25, 2020

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on Tuesday, February 25, 2020 at 7:30 p.m.

Pledge of Allegiance.

Present: Council President Atwell, Councilmen Casazza, Kingsbery, Rubin and Swikart.

Absent: Mayor Hemphill and Councilman Conklin.

*Councilman Conklin arrived after the start of the meeting.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks, Borough Engineer, was present.

Council President Atwell declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2020 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Casazza, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER RECEIVED FROM MARC S. LEBER, P.E., P.P., C.M.E. OF EAST POINT ENGINEERING, LLC ADVISING OF AN APPLICATION SUBMITTAL TO NJDEP FOR A CAFRA GENERAL PERMIT NO. 4. PROPERTY LOCATION IS BLOCK 49, LOT 35 (17 HIGHLAND AVENUE).

The Municipal Clerk/Administrator received a letter from Marc S. Leber, P.E., P.P., C.M.E. of East Point Engineering, LLC advising of an application submittal to the New Jersey Department of Environmental Protection for a CAFRA General Permit No. 4. This permit is being requested for the construction of a single family dwelling located at Block 49, Lot 35 (17 Highland Avenue). All supporting documentation was included with the letter.

On motion by Councilman Rubin, seconded by Councilman Casazza, this communication was ordered received. All in favor.

RECORD SHOULD REFLECT THE ARRIVAL OF COUNCILMAN CONKLIN AT 7:32 P.M.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2020-0225-43 APPOINTING JENENE CALABRETTA AS PART TIME CROSSING GUARD EFFECTIVE FEBRUARY 19, 2020.

2020-0225-43

Council Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson, through its Police Department, has the need for an additional Part-Time Regular Crossing Guard; and

BE IT RESOLVED that Jenene Calabretta be appointed as a Regular School Crossing Guard for the 2019-2020 School Year:

BE IT FURTHER RESOLVED that Regular School Crossing Guards shall be paid at a rate of \$31.00 per diem for days worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilman Casazza and carried upon the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0225-44 EXPRESSING SUPPORT FOR LEGISLATION INCREASING STATE FUNDING TO THE “SHORE PROTECTION FUND” FROM \$25 MILLION TO \$50 MILLION (A-639/S-1071).

2020-0225-44

Council Rubin offered the following resolution and moved its adoption:

**RESOLUTION EXPRESSING SUPPORT FOR LEGISLATION
INCREASING STATE FUNDING TO THE “SHORE PROTECTION FUND”
FROM \$25 MILLION TO \$50 MILLION
(A-639/S-1071)**

WHEREAS, the State of New Jersey maintains the Shore Protection Fund, which was established in 1992; and

WHEREAS, the Shore Protection Fund provides important funding that allows the State and Municipalities to engage in cost-share partnerships with the U.S. Army Corps of Engineers on shore protection projects including beach restoration and maintenance; and

WHEREAS, the Shore Protection Fund is funded by State Realty Transfer Fee revenues, and is currently capped at \$25 million, an amount that was last adjusted in 1999; and

WHEREAS, following the devastating effects of Superstorm Sandy, it has become evident that the current funding to the Shore Protection Fund is inadequate for allowing the State and Municipalities to fund necessary recovery projects; and

WHEREAS, pending before the Legislature are bills A-639 and S-1071, which would increase the cap on funding to the Shore Protection Fund to \$50 million; and

WHEREAS, the Borough Council believes this proposed increase to the Shore Protection Fund is essential to protecting the shoreline of the Borough of Rumson and that of every other Shore Community compromising the Jersey Shore.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson in the County of Monmouth, State of New Jersey, that it hereby expresses its support for an increase in funding to the Shore Protection Fund from \$25 million to \$50 million, as provided in the bills pending before the New Jersey Legislature as A-639 and S-1071.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senator Declan O'Scanlon, Assemblywoman Serena DiMaso, and Assemblyman Gerry Scharfenberger.

Councilman Casazza agreed to support the legislation with a comment. "The State needs to be more conservative concerning spending." He seconded the motion to approve the Resolution. The remaining Council members concurred with Councilman Casazza's comment and it was carried upon the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0225-45 TEMPORARY EMERGENCY APPROPRIATION.

2020-0225-45

Councilman Rubin offered the following resolution and moved its adoption:

TEMPORARY EMERGENCY APPROPRIATION RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2020 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2019 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Audit – Other Expenses	\$ 500.00
Engineering – Other Expenses	\$ 30,000.00
911 – Contractual	\$ 5,025.00
Vehicle Maintenance – Other Expenses	\$ 10,000.00
Municipal Court – Other Expenses	\$ 500.00

Fair Haven Court – Other Expenses \$ 1,000.00

Resolution seconded by Councilman Casazza and carried upon the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0225-46 AUTHORIZING THE RELEASE OF CASH BONDS POSTED IN ASSOCIATION WITH SITE PLAN IMPROVEMENTS TO BLOCK 62, LOTS 8.01 & 8.02.

2020-0225-46

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING
THE RELEASE OF CASH BONDS POSTED
IN ASSOCIATION WITH SITE PLAN IMPROVEMENTS TO BLOCK 62 LOTS 8.01 & 8.02**

WHEREAS, Kolarsick Builders has posted cash bonds for various site improvements, in connection with the subdivision and development of two residential homes on Block 62, Lots 8.01 and 8.02; and

WHEREAS, the Borough Engineer in his memorandum dated February 20, 2020 advised the required shade trees were planted and property monuments had been set in accordance with the approved plans for subdivision and recommends the cash bonds posted for Shade Tree Planting in the amount of \$1,000 and Setting of Property Monuments in the amount of \$500.00 be released; and

WHEREAS, there is currently an escrow balance in the amount of \$1,087.54; and

WHEREAS, there will be no further engineering inspections required and there are no outstanding invoices for professional engineering services.

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the performance cash bonds in the amount of \$1,000.00 and \$500.00 in accordance with the Borough Engineer’s February 20, 2020 memorandum.

BE IT FURTHER RESOLVED that \$1,087.54 of remaining engineering escrow will be released.

Resolution seconded by Councilman Casazza and carried upon the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

APPOINTMENT BY THE MAYOR:

On behalf of Mayor Hemphill, Council President Atwell recommended the appointment of Peter Izzo as Alternate #2 Member of the Zoning Board of Adjustment effective February 25, 2020 for an unexpired two (2) year term expiring on December 31, 2021.

Councilman Rubin moved that this appointment be confirmed. Motion seconded by Councilman Casazza and carried on the following roll call vote:

- In the affirmative:Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.
- In the negative:None.
- Absent:None.

ANNOUNCEMENT BY THE COUNCIL PRESIDENT:

Council President Atwell made the following announcement:

The following event was organized by a committee of volunteers and will be held in Rumson to honor our Irish/American residents:

On Sunday, March 8th beginning at 1:00 p.m., the 8th Annual Rumson St. Patrick’s Day Parade will start at Victory Park, travel east on West River Road, continue on East River Road and end in the vicinity of Piping Rock Park.

We hope that you and your family will join us for a fun time!

Thank you.

FINANCIAL OFFICER’S REPORT:

The Financial Officer’s Report disclosed the following as of January 31, 2020:

BOROUGH OF RUMSON				
CHIEF FINANCIAL OFFICER REPORT TO THE MAYOR AND COUNCIL				
Analysis of Cash for the Month Ending:		January 31, 2020		
FUNDS	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	17,772,447.08	4,122,221.70	(5,599,152.62)	16,295,516.16
Change Funds	300.00			300.00
Investments Rumson BAN	1,462,000.00			1,462,000.00
Total Current Fund	19,234,747.08	4,122,221.70	(5,599,152.62)	17,757,816.16
2. CAPITAL FUND				-
Capital Fund Checking	3,968,296.25	0.00	(137,118.10)	3,831,178.15
Total Capital Fund	3,968,296.25	0.00	(137,118.10)	3,831,178.15
3. PAYROLL & PAYROLL AGENCY				
Payroll	2,981.86	297,667.23	(298,493.11)	2,155.98
Payroll Agency	10,905.91	183,701.06	(184,595.44)	10,011.53
Total Payroll & Payroll Agency	13,887.77	481,368.29	(483,088.55)	12,167.51
4. TRUST FUNDS				
Trust Fund Checking	549,528.29	6.00	(1,374.13)	548,160.16
Unemployment Trust	72,111.35	628.23		72,739.58

Recreation Trust	465,675.37	35,114.00	(2,423.16)	498,366.21
C.O.A.H. Trust	3,348,814.21	44,807.11	(3,979.70)	3,389,641.62
Law Enforcement Trust Fund	450.58	0.31		450.89
LEAD (formerly DARE)	10,502.27	7.14		10,509.41
Cafeteria Plan	1,798.19	9,149.76	(140.87)	10,807.08
Animal Control Trust Fund	25,704.60	6,447.00	(250.00)	31,901.60
Total Trust Funds	4,474,584.86	96,159.55	(8,167.86)	4,562,576.55
TOTAL ALL FUNDS	27,691,515.96	4,699,749.54	(6,227,527.13)	26,163,738.37

Respectfully submitted by:

Helen L. Graves

Helen L. Graves, Chief Financial Officer

On motion by Councilman Casazza, seconded by Councilman Rubin, the Financial Officer’s Report was ordered received and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Casazza offered the following Resolution and moved its adoption:

Vendor	Amount
NJ DEPT HEALTH/SR SERVICES	\$ 744.60
ANIMAL CONTROL FUND	\$ 744.60
NAT ALEXANDER COMPANY	\$ 9,830.50
CAPITAL FUND	\$ 9,830.50
ASBURY PARK PRESS	\$ 193.40
KYLE MCMANUS ASSOCIATES LLC	\$ 7,498.48
COAH TRUST FUND	\$ 7,691.88
ABSOLUTE FIRE PROTECTION CO.	\$ 5,293.94
ACE AUTO TOPS & SEAT COVERS	\$ 85.00
ACME LOCKSMITH SERVICE	\$ 9.60
ALLIED OIL, LLC	\$ 6,181.03
ALLIED OIL, LLC	\$ 4,253.45
ASBURY PARK PRESS	\$ 1,137.56
ASBURY PARK PRESS	\$ 98.90
BAYSHORE FIRE & SAFETY LLC	\$ 42.00
BAYSHORE FIRE & SAFETY LLC	\$ 56.00
BUTCH'S AUTO. CAR WASH, INC.	\$ 104.50
CENTRAL TOWING	\$ 105.00
CME ASSOCIATES	\$ 82.00
CRANEY'S INTERPRETING SERVICES	\$ 140.00
CROSS OVER NETWORKS	\$ 2,076.90

CROSS OVER NETWORKS	\$	1,192.31
DELTA DENTAL OF NEW JERSEY INC	\$	4,102.73
DETCO	\$	367.84
EDWARDS TIRE CO INC	\$	5,217.28
E.M. GRANT	\$	2,595.00
GROFF TRACTOR MID ATLANTIC LLC	\$	1,489.04
HOOVER TRUCK CENTERS INC	\$	272.29
INTERNATIONAL CODE COUNCIL	\$	724.72
JCP&L	\$	7,484.94
JCP&L	\$	3,839.11
THE JERSEY SHORE PARTNERSHIP	\$	100.00
KALDOR EMERGENCY LIGHTS LLC	\$	778.40
KALDOR EMERGENCY LIGHTS LLC	\$	125.00
KYLE MCMANUS ASSOCIATES LLC	\$	106.50
LANGUAGE LINE SERVICES,INC	\$	59.66
LAWES	\$	101.69
LAWES	\$	83.00
MAZZA RECYCLING SERVICES, LTD	\$	305.05
MAZZA MULCH,INC	\$	8,060.00
MCKESSON MEDICAL-SURGICAL	\$	1,311.70
MICKEY BENOIT, INC	\$	192.00
MID MONMOUTH MUTUAL AID ASSOC	\$	515.00
MON CO POLICE CHIEF'S ASSN INC	\$	500.00
TREASURER, COUNTY OF MONMOUTH	\$	6.61
MONMOUTH & OCEAN COUNTIES TCTA	\$	160.00
MORTON SALT	\$	4,297.61
MR JOHN INC	\$	584.35
MW SUPPLY INC	\$	1,037.22
NAYLOR'S AUTO PARTS	\$	472.35
NAYLOR'S AUTO PARTS	\$	31.63
NEW JERSEY AMERICAN WATER	\$	9,568.00
NEW JERSEY AMERICAN WATER	\$	1,289.05
NJ FIRE EQUIPMENT CO	\$	460.00
NJ FIRE EQUIPMENT CO	\$	32.00
NJ NATURAL GAS CO.	\$	243.87
NJ LEAGUE OF MUNICIPALITIES	\$	75.00
OVERBROOK FARM	\$	446.40
PRO CRAFT AUTO BODY	\$	1,997.28
RESCUE ESSENTIALS	\$	5,923.00
RICOH USA, INC.	\$	508.65
THOMAS S ROGERS	\$	156.98
R & R RADAR, INC.	\$	570.00
R & R RADAR, INC.	\$	484.00
SANITATION EQUIPMENT CORP	\$	5,415.92
SIP'S PAINT & HARDWARE	\$	257.86
SIP'S PAINT & HARDWARE	\$	124.99
SITEONE LANDSCAPE SUPPLY	\$	69.24
SITEONE LANDSCAPE SUPPLY	\$	116.34
STATE SHORTHAND REPORTING SERV	\$	1,015.00
TARGETED TECHNOLOGIES LLC	\$	2,574.76
TARGETED TECHNOLOGIES LLC	\$	414.00
TARGETED TECHNOLOGIES LLC	\$	75.90
TAYLOR FENCE CO, INC	\$	1,796.10
TAYLOR FENCE CO, INC	\$	20.52
TREASURER, STATE OF NJ	\$	191.00

TRITECH SOFTWARE SYSTEMS	\$	600.00
THE TWO RIVER TIMES	\$	250.48
UNITED STATES POSTAGE SERVICE	\$	2,500.00
VERIZON	\$	51.35
VERIZON	\$	361.27
VERIZON WIRELESS	\$	632.65
WAGEWORKS	\$	100.00
WARSHAUER ELECTRIC SUPPLY	\$	34.59
WATCHUNG SPRING WATER CO.	\$	132.29
WINNER FORD	\$	44,514.32
<i>CURRENT FUND</i>	\$	<i>148,781.72</i>
RILEIGHS OUTDOOR DECOR	\$	424.50
<i>RUMSON ENDOWMENT FUND INC</i>	\$	<i>424.50</i>
CONGREGATION B'NAI ISRAEL	\$	2,158.00
JOHN GILL	\$	1,320.00
LEAGUE APPS	\$	526.71
DANIEL McCARREN	\$	360.00
MICHAEL RUSSOMANNO	\$	180.00
MICHAEL RUSSOMANNO	\$	180.00
SIP'S PAINT & HARDWARE	\$	699.90
TWO RIVER LITTLE LEAGUE	\$	1,000.00
<i>RECREATION TRUST</i>	\$	<i>6,424.61</i>
KOLARSICK BUILDERS	\$	2,587.54
<i>TRUST</i>	\$	<i>2,587.54</i>
<i>Animal Control Fund</i>	\$	<i>744.60</i>
<i>Capital Fund</i>	\$	<i>9,830.50</i>
<i>COAH Trust Fund</i>	\$	<i>7,691.88</i>
<i>Current Fund</i>	\$	<i>148,781.72</i>
<i>Rumson Endowment Fund, Inc.</i>	\$	<i>424.50</i>
<i>Recreation Trust</i>	\$	<i>6,424.61</i>
<i>Trust</i>	\$	<i>2,587.54</i>
<i>Total of All Funds</i>	\$	<i>176,485.35</i>

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Council President afforded the members of the Council an opportunity to be heard at this time.

Councilman Casazza shared that he, Council President Atwell and Councilman Kingsbery met with the Water Company and became educated on the community's water system. He stated that he has a newfound respect for the very elaborate process they use to keep the water flowing to everyone's tap. He also shared that details of a plan to reduce plastic bottle use in the Borough will be forthcoming.

Council President Atwell added that they will be working with Borough Engineer Dave Marks on potential grant opportunities for the placement of water bottle refilling stations in the Borough.

Councilman Conklin shared that he had recently attended the Municipal Elected Officials Workshop. The main topics covered were:

- Open Public Records Act (OPRA): What it is and what records are included.
- Monmouth County Improvement Authority: Funding source. Noted that their bond rating was the same as the bond rating for the Borough of Rumson.
- Shared Services: Opportunities offered.
- Cyber Infrastructure: Sheriff Golden gave a presentation on Ransomware threats to municipalities. Councilman Conklin reminded everyone to be aware of potential threats in regard to Borough business so that shutdowns can be avoided.
- Election Preparedness: Monmouth County Clerk Christine Hanlon gave a presentation primarily focused on continuity of operations during times of possible emergencies/disasters.

Councilman Conklin felt the Workshop was well worth attending.

Councilman Casazza noted that he will be attending a meeting for Sandy Hook on Friday and he will report back to the Council with the results of that meeting.

COMMENTS FROM THE PUBLIC:

The Council President afforded the public an opportunity to be heard at this time.

Elizabeth Diegman of 39 Park Avenue approached the Council. She asked for the date of the public meeting regarding the Borough's Affordable Housing Plan.

Municipal Clerk/Borough Administrator Thomas Rogers explained that the next step in the process is the Fairness Hearing with the Court in order to approve the agreements with Yellowbrook Properties and Fair Share Housing. The date of this hearing was originally set for March 12th but has now been changed to March 26th. Once approved, a final plan will be developed by May/June and a public meeting will be held.

Mrs. Diegman asked about the overlay zones and Thomas Rogers explained the types of overlay zones in the Borough and the differences between the types. He then suggested she refer to the Borough website for more in-depth information regarding the overlay zones.

The Council President thanked Mrs. Diegman for her time.

Stu Sendell of 7D Lafayette Street approached the Council.

Mr. Sendell commented on two things from previous minutes regarding the impact of affordable housing with the residents of Rumson.

He recalled a comment by a resident who spoke during a public session wherein she noted "it is important not to respond to negative with negative".

Next, he commented on a concern another resident had shared with regard to the displacement of the current Oxford House residents. He wanted to make sure it was noted that

opioid addiction is not an “us versus them” issue, it is an “us versus us” issue. He then added that opioid addiction, autism and affordable housing affects everyone.

Mr. Sendell then stated that he had read the minutes from the January 14th meeting carefully and feels as though 80% of the information Planner Kendra Lelie presented had nothing to do with the negotiations between Fair Share Housing, Yellowbrook Properties, and the Borough. He feels that some residents feel this is something that just occurred recently, though it’s been going on for forty years now.

In reading the minutes, he also found that when the Bergen County United Way was mentioned, it was assumed that towns there were very different than Rumson. He does not believe this is the case. As an example, the town of Englewood Cliffs has no zoning Ordinance at all now because the Court took it and is now making all decisions in Englewood Cliffs with regard to zoning approvals. He stated that Saddle River, another exclusionary town in Bergen County was shocked by the Englewood Cliffs turn of events so they decided to immediately change their mind and settle.

Mr. Sendell feels it is important not to think Rumson is any different.

Regarding the recent reassessments, Mr. Sendell read this week that Rumson has the 2nd highest income in New Jersey and 19th in the country, with the average income being over \$300,000, which includes the highest income earners in the Borough. He feels that the vast majority of people make less than \$300,000 and some are even eligible for moderate income affordable housing. Now the re-assessments are affecting the people who are already at the lower end of the market. He states he had suggested building fifty more townhouses like the one he lives in by Victory Park and had that been accomplished, the tax increase could have been absorbed. There would have been fifty new market rate units at \$1,000,000 each and the property taxes would more than offset any school impact. He doesn’t believe there is market rate housing for the town’s citizens when seniors want to stay in town, no housing for young people who would like to make a start here, none for the teachers who teach here or for the people who work for the town.

Lastly, Mr. Sendell is hoping the new not-for-profit that has formed in the last couple of weeks is sincere in trying to develop proposals for the next thirty years. What is occurring now is just the first step in a thirty year process. He believes they will find it is not easy to do development in New Jersey, especially affordable housing. He is looking forward to seeing who is on their Board and what their backgrounds are. He hopes they are capable of community oriented approaches to fill in over the next ten/twenty years.

Council President Atwell thanked Mr. Sendell for coming

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Casazza, the meeting adjourned at 8:07 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator